

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

**ATTN: CLERK OF COURT
235 NORTH WASHINGTON AVENUE
POST OFFICE BOX 1148
SCRANTON, PENNSYLVANIA, 18501**

3:22-cv-1782

**FILED
SCRANTON**

NOV 08 2022

Per. 
DEPUTY CLERK

Civil Complaint for Sexual Identity Discrimination, Civil Rights Action
Under 42 U.S.C. Statute 1983

Pro Se Petitioner Jameel De'Quan Walston

October 17th, 2022

FILED
SCRANTON

CIVIL COMPLAINT FORM TO BE USED BY A PRO SE PRISONER NOV 08 2022

IN THE UNITED STATES DISTRICT COURT Per
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA:

DEPUTY CLERK

Jameel DeQuan Walston 2207018

Full Name of Plaintiff

Inmate Number

v.

Civil No. 3:22 CV-1782

(to be filled in by the Clerk's Office)

Pike County Correctional Facility

Name of Defendant 1

☒ Demand for Jury Trial☐ No Jury Trial DemandK. Wagenboller

Name of Defendant 2

Elissa Kumburnis

Name of Defendant 3

Craig Lowe

Name of Defendant 4

Officer McNeil

Name of Defendant 5

(Print the names of all defendants. If the names of all defendants do not fit in this space, you may attach additional pages. Do not include addresses in this section).

I. NATURE OF COMPLAINT

Indicate below the federal legal basis for your claim, if known.

- ☒ Civil Rights Action under 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Civil Rights Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)
- ☐ Negligence Action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, against the United States

II. ADDRESSES AND INFORMATION

A. PLAINTIFF

Walston, Jameel D.

Name (Last, First, MI)

2207018

Inmate Number

Pike County Correctional Facility

Place of Confinement

175 Pike County Boulevard

Address

Lords Valley, Pike County, Pennsylvania, 18428

City, County, State, Zip Code

Indicate whether you are a prisoner or other confined person as follows:

☒

Pretrial detainee

☐

Civilly committed detainee

☐

Immigration detainee

☐

Convicted and sentenced state prisoner

☐

Convicted and sentenced federal prisoner

B. DEFENDANT(S)

Provide the information below for each defendant. Attach additional pages if needed.

Make sure that the defendant(s) listed below are identical to those contained in the caption. If incorrect information is provided, it could result in the delay or prevention of service of the complaint.

Defendant 1:

Pike County Correctional Facility

Name (Last, First)

County Jail

Current Job Title

175 Pike County Boulevard

Current Work Address

Lords Valley, Pike County, Pennsylvania, 18428

City, County, State, Zip Code

Defendant 2:

Wagenhoffer, K.

Name (Last, First)

Sergeant

Current Job Title

175 Pike County Boulevard

Current Work Address

Lords Valley, Pike County, Pennsylvania, 18428

City, County, State, Zip Code

Defendant 3:

Kumbunnis, Elissa

Name (Last, First)

Counselor

Current Job Title

175 Pike County Boulevard

Current Work Address

Lords Valley, Pike County, Pennsylvania, 18428

City, County, State, Zip Code

Defendant 4:

Lowe Craig

Name (Last, First)

Warden

Current Job Title

175 Pike County Boulevard

Current Work Address

Lords Valley, Pike County, Pennsylvania, 18428

City, County, State, Zip Code

Defendant 5:

McNeil

Name (Last, First)

Officer

Current Job Title

175 Pike County Boulevard

Current Work Address

Lords Valley, Pike County, Pennsylvania, 18428

City, County, State, Zip Code

III. STATEMENT OF FACTS

State only the facts of your claim below. Include all the facts you consider important. Attach additional pages if needed.

A. Describe where and when the events giving rise to your claim(s) arose.

Pitkin County Correctional Facility, Golf Unit. October 4th, 5th, and 6th. Approximately 1500 HRS - 2200 HRS.

B. On what date did the events giving rise to your claim(s) occur?

October 4th, 5th, and 6th

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what?)

On above mentioned dates Officer McNeil blatantly disrespected my person and my sexual orientation by repeatedly telling myself and other inmates to "suck his dick". He proceeded to tell me the same thing each day he came in. I used the facilities grievance procedure to air my feelings, a grievance which had 7 individual witnesses that attested to the blatant disrespect. All of my grievances were denied based on the officers response. P.C.C.F. did not question any of my witnesses that I included in my grievance. I was emotionally provoked and bullied by other detainees for being what they said a "bitch" because I didn't say anything back. Each individual mentioned as a defendant could have helped but didn't, and I see C/O McNeil everyday.

IV. LEGAL CLAIM(S)

You are not required to make legal argument or cite any cases or statutes. However, state what constitutional rights, statutes, or laws you believe were violated by the above actions. If you intend to assert multiple claims, number and set forth each claim in separate paragraphs. Attach additional pages if needed.

Please See Attached:

V. INJURY

Describe with specificity what injury, harm, or damages you suffered because of the events described above.

I have been pulled and emotionally traumatized since the events have occurred. I am treated badly by peers.

VI. RELIEF

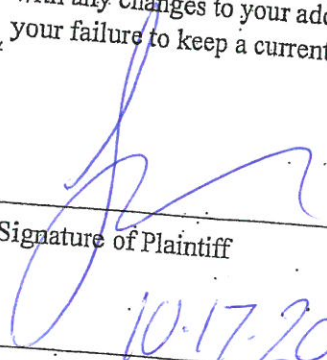
State exactly what you want the court to do for you. For example, you may be seeking money damages, you may want the court to order a defendant to do something or stop doing something, or you may be seeking both types of relief. If you are seeking monetary relief, state your request generally. Do not request a specific amount of money.

Monetary relief for the ongoing harassment of peers and officers, the ability to procure sufficient therapy, to not have to be subject to unprofessional jailing practices.

VII. SIGNATURE

By signing this complaint, you represent to the court that the facts alleged are true to the best of your knowledge and are supported by evidence, that those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose.

Local Rule of Court 83.18 requires *pro se* plaintiffs to keep the court informed of their current address. If your address changes while your lawsuit is being litigated, you must immediately inform the court of the change in writing. By signing and submitting the complaint form, you agree to provide the Clerk's Office with any changes to your address where case-related papers may be served, and you acknowledge that your failure to keep a current address on file with the Clerk's Office may result in dismissal of your case.



Signature of Plaintiff

10-17-2022

Date

Name of Defendants:

Name of Defendant 6

Romance, Jonathan

Assistant Warden

175 Pike County Boulevard

Lords Valley, Pike County, Pennsylvania, 18428

Name of Defendant 7

English, John

Counselor

175 Pike County Boulevard

Lords Valley, Pike County, Pennsylvania, 18428

IV LEGAL CLAIM(S)

Civil Rights Deprivation under 42 U.S.C. Statute 1983

1. The right to be treated equally as every other detainee.
2. The ability to be treated respectfully and fairly while incarcerated.
3. The right to be secure in my person.
4. The right to be treated humanely.
5. The right to fair jailing practices.
6. The right to a fair and impartial grievance process.
7. The right to not have my life put at cause of life and liberty by other detainees.
8. The right to a safe and secure environment during my incarceration.

These are the claims that I feel were violated by the actions of the respondents, and subsequently those who allowed it to continue without proper investigation as staff and personnel of the Pike County Correctional Facility.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Jameel DeQuan Walston
175 Pike County Boulevard
Lords Valley, Pennsylvania, 18428
Inmate No. 2207018

VS.

Civil Action No:

Pike County Correctional Facility
175 Pike County Boulevard
Lords Valley, Pennsylvania, 18428

K. Wagenhoffer
175 Pike County Boulevard
Lords Valley, Pennsylvania, 18428

Elissa Kumburris
175 Pike County Boulevard
Lords Valley, Pennsylvania, 18428

Craig Lowe
175 Pike County Boulevard
Lords Valley, Pennsylvania, 18428

Officer McNeil
175 Pike County Boulevard
Lords Valley, Pennsylvania, 18428

Jonathan Romance
175 Pike County Boulevard
Lords Valley, Pennsylvania, 18428

John English
175 Pike County Boulevard
Lords Valley, Pennsylvania, 18428

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COMPLAINT

On October 4th, 5th, and 6th, Officer McNeil arrived on the unit in an irate manner and told me and multiple inmates to suck his d***. In the same exact time period not only did he continue to use derogatory terms towards us, he also made inappropriate comments about having sexual relations with my mother. There was and still is no merit to using such egregious terms towards others, and myself nor was there any reason in the capacity of his daily duties was there permission to be allowed to use such language against individuals. I am homosexual and already have enough issues in the jail to deal with to begin with. Following the incident I was made a target by the other detainees by being called a: b****, a faggot, and weak, and other names because of my sexual identity, and the fact that I was the only one that wanted to pursue the formal grievance process. I was scared, and I felt like I was made to be a target because I am not as tough as my fellow peers are, nor am I supposed to deal with such blatant disrespect by any staff members of the Pike County Correctional Facility. Because Officer McNeil made such bad and unprofessional statements, the door was opened to make inappropriate jokes, as well as, demeaning gestures. I followed the facilities grievance procedure, and to no avail, it was denied. It was denied with 7 additional witnesses who sympathized on my behalf to the fact that I was blatantly disrespected by a senior male officer. Each grievance that I submitted following up with the appropriate appeals were continuously denied without even speaking to a single one of my witnesses. The grievance process consisted of each of the above-mentioned defendants and the grievance was subsequently denied by each one of them without questioning any of my witnesses.

The plaintiff requests a trial by jury.

The plaintiff requests monetary relief for: indignation, frustration, helplessness, anguish, pain and suffering, fear, punitive damages, mental anguish, duress in a confined circumstance, emotional distress and the need for sufficient counseling after incarceration. My life and freedom were put to risk because of improper jailing practices, as well as, the non-committal of proper fair policing of prisoners. I was also put at sufficient risk of bullying by my peers because people discriminated against me being a homosexual.



Jameel DeQuan Walston

175 Pike County Boulevard

Lords Valley, Pennsylvania, 18428